

with or repugnant to the provisions of this act are hereby repealed.

Passed the House March 13, 1957.

Passed the Senate March 12, 1957.

Approved by the Governor March 23, 1957.

CHAPTER 245.

[H. B. 195.]

STATE WEATHER MODIFICATION BOARD.

AN ACT relating to weather modification and control; establishing a board, defining powers and duties; making an appropriation; providing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. As used in this act, unless the context Definitions. requires otherwise:

(1) "Board" means the Weather Modification "Board." Board;

(2) "Operation" means the performance of "Operation." weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;

(3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories "Research and development."

Weather
modification
board.
Definitions.

of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes;

"Weather
modification
and control."

(4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Board estab-
lished—Mem-
bership—
Terms—Ex-
penses.

SEC. 2. (1) There is established a weather modification board to consist of the director of conservation and development, who shall be the chairman and four members all appointed by the governor, including a member of the faculty of the State College of Washington, a member of the faculty of the University of Washington, one member to be a person experienced in, and actually engaged in the commercial production of horticultural products, and one member to be a person experienced in, and actually engaged in the commercial production of other agricultural products. The term of office of each appointed member of the board shall be four years, except that the first terms of office of the four appointed members first taking office shall expire, as determined by the governor at the time of their appointment, one each at the end of the first, second, third and fourth years after the effective date of this act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(2) Members of the board shall receive no compensation for the performance of their duties under the provisions of this act; but each member shall be reimbursed, to the extent allowed by law and from funds available for the administration of this act,

for expenses necessarily incurred in the performance of his duties.

SEC. 3. In the performance of its functions the board may, in addition to any other acts authorized by law:

Powers
of board.

(1) Establish advisory committees to advise with and make recommendations to the board concerning legislation, policies, administration, research and other matters;

(2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the board may deem necessary or desirable to minimize danger to health or property; and make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information and hold such hearings as the board may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this act or any regulations or orders issued thereunder;

(4) Subject to section 7, of this act, appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the board's functions or duties and in furtherance of the purposes of this act;

(7) Represent the state in any and all matters pertaining to plans, procedures or negotiations for interstate compacts relating to weather modification and control.

SEC. 4. The board shall exercise its powers in such manner as to promote the continued conduct of

Weather modification board. Promotion of research and development activities.

research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the board may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial and other purposes;

(3) The protection of life and property during research and operational activities.

Board hearings, powers relative thereto.

SEC. 5. In the case of hearings pursuant to section 18 of this act the board shall, and in other cases may, cause a record of the proceedings to be taken and filed with the board, together with its findings and conclusions. For any hearing, any member of the board or a representative designated by the board is authorized to administer oaths and affirmations, examine witnesses and issue, in the name of the board, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place.

Board may receive gifts and grants, expend same.

SEC. 6. (1) The board may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations or bequests, or any other source, and may expend such funds, unless their use is restricted and subject to any limitations otherwise provided by law for the administration of this act and for the encouragement of research and development by a state, public

or private agency, either by direct grant, by contract or other cooperative means.

(2) There is established an account in the general fund to be known as the "weather modification board revolving account." All license and permit fees paid to the board shall be deposited in such account. Any accumulation in this account in excess of five thousand dollars shall revert to the state's general fund.

"Weather modification board-revolving account" established.

SEC. 7. (1) In administering the provisions of this act the board shall utilize, and the director of conservation and development shall furnish, such clerical and other staff services and materials and office space as are required by the board in the performance of its functions involving internal operations of the board. The director of conservation and development, however, shall not be obligated to incur any expense in complying with this subsection beyond the amount of funds lawfully available for the payment thereof.

Clerical, staff services, materials and office space of department of conservation and development to be utilized.

(2) The expense of complying with the requirements of subsection (1) of this section shall be paid only from the "weather modification board revolving account," hereby created, upon the presentation of a claim therefor approved by the director of conservation and development. Such claims shall be audited and paid in the same manner as other claims against the state.

SEC. 8. Except as provided in section 9 of this act, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the board authorizing such activities.

License and permit requirement.

SEC. 9. The board, to the extent it deems practical, shall provide by regulation for exempting from the license, permit and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning

Exemptions from license and permit requirement authorized.

and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing or preventing precipitation or hail.

Weather modification board. Licenses to engage in weather modification and control.

SEC. 10. (1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate competence in the field of meteorology to the satisfaction of the board, reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The board shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this act. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or renewed only upon the payment to the board of one hundred dollars for the license or renewal thereof.

Permits to engage in weather modification and control—Requisites for.

SEC. 11. The board shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this act only:

(1) If the applicant is licensed pursuant to this act;

(2) If a sufficient notice of intention is published and proof of publication is filed as required by section 14 of this act;

(3) If the applicant furnishes proof of financial responsibility, as provided in section 15 of this act, in an amount as may be determined by the board but not to exceed twenty thousand dollars.

(4) If the fee for a permit is paid as required by section 16 of this act.

SEC. 12. A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the board and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation substantially within the time and area limits set forth in the notice of intention, unless modified by the board; and his activities shall also substantially conform to any conditions imposed by the board upon the issuance of the permit or to the terms of the permit as modified after issuance.

Permits—Notice of intention to be filed—Activities confined.

SEC. 13. The notice of intention shall set forth at least all the following:

Notice of intention—Contents.

- (1) The name and address of the licensee;
- (2) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;
- (3) The area in which and the approximate time during which the operation will be conducted;
- (4) The area which is intended to be affected by the operation;
- (5) The materials and methods to be used in conducting the operation.

SEC. 14. (1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in section 13 of this act, to be published at least once a week for three consecutive weeks in a newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted

Publication.

Weather
modification
board.
Notice of
intention.
Publication.

in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county, publication shall be made in a newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the board within fifteen days from the date of the last publication of the notice.

Proof of
financial re-
sponsibility—
How shown.

SEC. 15. Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the board, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit.

Permit fee,
when due—
Procedure
upon failure
to pay.

SEC. 16. The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the board from the evidence available to it. The fee is due and payable to the board as of the date of the issuance of the permit; however, if the applicant is able to give to the board satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew his license or to issue any further permits to such person.

SEC. 17. (1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee and such other general information as may be required by the board and shall report the same to the board at the time and in the manner required.

Licensees to maintain records—Open to public examination.

(2) The board shall require written reports in such manner as it provides but not inconsistent with the provisions of this act, covering each operation for which a permit is issued. Further, the board shall require written reports from such organizations as are exempted from license, permit and liability requirements as provided in section 9.

(3) The reports and records in the custody of the board shall be open for public examination.

SEC. 18. (1) The board may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The board may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this act. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds for the proposed suspension or revocation. The board may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this act.

Permits or licenses. Suspension or revocation. notice—Failure to renew or issue. grounds.

(2) The board may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification

and if it appears to the board that it is necessary for the protection of the health or the property of any person to make the modification proposed.

Weather modification board. State, state officials exempt from liability.

SEC. 19. Nothing in this act shall be construed to impose or accept any liability or responsibility on the part of the state, the board or any state officials or employees for any weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious or other legal rights, duties or liabilities between any private persons or groups.

Violation—Penalty—Continuing violation.

SEC. 20. Any person violating any of the provisions of this act or any lawful regulation or order issued pursuant thereto, shall be guilty of a misdemeanor; and a continuing violation is punishable as a separate offense for each day during which it occurs.

Appropriation to director of conservation and development.

SEC. 21. There is appropriated to the director of conservation and development, for the biennium beginning July 1, 1957, out of the general fund in the state treasury, the sum of one thousand dollars for the purpose of paying expenses incurred by him in complying with subsection (1) of section 7 of this act.

Appropriation to board.

SEC. 22. There is appropriated to the state weather modification board, out of the general fund in the state treasury, the sum of one thousand dollars for the purpose of carrying out the provisions of this act.

Emergency.

SEC. 23. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 12, 1957.

Passed the Senate March 12, 1957.

Approved by the Governor March 23, 1957.